

Panaji, 12th August, 1982. (Savana 21, 1904)

SERIES II No. 20

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Order

No. 4/41/77-PER (Vol II) (Part)

On placement of his services at the disposal of this Administration by Government of India, Ministry of Agriculture, (Department of Agriculture & Co. operation), New Delhi, the Administrator of Goa, Daman and Diu is pleased to appoint Shri Shashi Kumar, IFS, as Assistant Conservator, of Forests, w.e.f. 15-7-82 (F. N.). His appointment is shown against one of the vacant posts of Dy. Conservator of Forests.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 2nd August, 1982.

Order

No. 3/39/82-PER

On placement of his services at the disposal of this Administration, by Government of India, Ministry of Home Affairs, New Delhi, the Administrator of Goa, Daman and Diu is pleased to appoint Shri V. P. Suri, IAS, as Director of Industries & Mines with immediate effect.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 4th August, 1982.

Order

No. 4/2/79-PER

Read: — Order No. 5-30-77-Div. I dated 12-9-1979

In continuation of Government Order referred to above, the Administrator of Goa, Daman and Diu is pleased to extend the deputation term of Shri V. Sinha as Commissioner, Labour & Employment, Government of Goa, Daman and Diu, for a further period of one year w.e.f. 24-9-82 to 23-9-83 on the existing terms and conditions.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 4th August, 1982.

Order

No. 5/26/80-PER

Shri U. D. S. Advalparkar, Additional Dy. Collector, Collectorate of Goa, Panaji, is appointed as forest Settlement officer w.e.f. 17-7-82 in addition to his own duties, until further orders.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 5th August, 1982.

Addendum

No. 3/15/81-PER

Read: Government Order No. 3/41/82-PER dated 30-7-82. In the order cited above, following be added as para 4:—

"Shri H. D. Sharma, shall continue to draw his pay in the supertime scale of Rs. 2500-2750 against the post of Secretary (Planning)-cum-Development Commissioner".

By order and in the name of the Administrator of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 6th August, 1982.

Works, Education and Tourism Department

Order

No. DT/PL-TDC/666/77/Part I

Read: Order No. 3/40/82-Per dated 5-8-1982 from Department of Personnel and A. R. Secretariat.

On the placement of the services of Shri Pradeep Mehra, I.A.S. at the disposal of this Department the Administrator of Goa, Daman and Diu is pleased to appoint Shri Pradeep Mehra, I.A.S. as Director of the Goa, Daman and Diu Tourism Development Corporation and further appoint him as Managing Director of the said Corporation with immediate effect until further orders.

2. The above appointment shall be on deputation. The terms and conditions of his deputation will be issued separately.

3. This appointment is made in terms of Article 112 of Articles of Association of the Goa, Daman and Diu Tourism Development Corporation Limited.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 5th August, 1982.

Order

No. 12/6/82-WET/III

Read: Government order No. 16/12/81-WET dated 11-3-82 creating various posts for the College of Architecture.

Shri B. K. Khandeparkar is hereby temporarily appointed as Lecturer in Architecture in the Goa College of Engineering, Farmagudi with effect from 12-7-82 (FN) on an initial pay of Rs. 700/- in the scale of Rs. 700-40-900-EB-40-1100-50-1250-EB-50-1600 plus usual allowances admissible from time to time, against the newly created post under Government order quoted above.

The appointment is subject to the conditions specified in this Office Memorandum of even number dated 29/6/82 and the rules and regulations laid down by Government from time to time.

The appointment is purely on ad-hoc basis and it will not bestow on the appointee any claim for regular appointment, promotion to higher post and seniority and will be liable to be terminated by one month's notice or with the payment of one month's salary in lieu of notice.

The appointment is liable for termination in case the character and antecedent of the appointee are adverse so as to disqualify him from holding a post under Government.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. D. Vengurlekar, Planning Officer.

Panaji, 5th August, 1982.

Notification

No. 10-10-79-32-WET/388

On the recommendation of the Departmental Promotion Committee and with the approval of Union Public Service Commission, the Administrator of Goa, Daman and Diu is pleased to confirm Shri Bonifacio Dias, Assistant Research Officer, Group 'B' post in the Goa Gazetteer Department with effect from 22nd June, 1982 against the post of Assistant Research Officer in the scale of Rs. 550-900 under Goa Gazetteer Department.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. D. Vengurlekar, Planning Officer.

Panaji, 4th August, 1982.

Local Administration and Welfare Department
Office of the Registrar of Cooperative Societies

Order

No. 48/1/81/TS

Read: 1) This office order No. RCS/ADM/ABN/R's Nominee/Vol. II/80 dated 5-3-80.

2) Letter dated 19-6-1982 of Shri J. V. Coelho, Advocate High Court, Panaji.

In partial modification of the order referred to above, Shri J. V. Coelho, Registrar's Nominee, is hereby authorised to adjudicate the disputes arising in any of the Cooperative Societies in the jurisdiction of Central Zone instead of the jurisdiction of South Zone with immediate effect.

J. X. Walke, Dy. Registrar of Coop. Societies.

Panaji, 7th July, 1982.

Office of the Asstt. Registrar of Cooperative Societies

No. 1/22/72-LQD/Mauli-Seva/ARNZ/82

Read: This office order No. 1/22/72-LQD/Mauli-Seva/ARNZ/82 dated 16th January, 1981 extending the period of liquidator of Mauli V.K.S.S. Society Ltd., up to 14-1-1982.

Order

In virtue of the powers vested in me under sub-section (1) of section 109 of the Maharashtra Cooperative Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu, I, D. V. Sathe, Asstt. Registrar of Coop. Societies, North Zone, Mapusa hereby extend the period of the liquidator of Mauli V.K.S.S. Society Ltd., Muncurem, Bicholim, up to 14-1-1983.

D. V. Sathe, Asstt. Registrar of Coop. Societies, North Zone.

Mapusa, 29th June, 1982.

No. 1/28/65-LQD/Borde-Seva/ARNZ/82

Read: This office order No. 1/28/65-LQD/Bordem-Seva/ARNZ dated 16th January, 1981 extending the period of Liquidator of the Bordem Lamgao V.K.S.S. Society Ltd., up to 14-1-1982.

Order

In virtue of the powers vested in me under sub-section (1) of section 109 of the Maharashtra Cooperative Societies Act, 1960, as applied to the Union Territory of Goa, Daman and Diu, I, D. V. Sathe, Asstt. Registrar of Coop. Societies, North Zone, Mapusa hereby extend the period of the liquidator of Bordem Lamgao V.K.S.S. Society Ltd., Bordem-Bicholim up to 14-1-1983.

D. V. Sathe, Asstt. Registrar of Coop. Societies, North Zone.

Mapusa, 29th June, 1982.

No. 1/31/71-LQD/Brahmani/FMG/ARNZ/82

Read: This office order No. 1/31/71-LQD/Brahmani/FMG/ARNZ dated 31st December, 1980 extending the period of liquidator of Brahmani Sah. Samudayik Sheti Sanstha Ltd., Compordem, Satari up to 9-8-1981.

Order

In virtue of the powers vested in me under section 109(1) of the Maharashtra Cooperative Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu I, D. V. Sathe, Asstt. Registrar of Coop. Societies, North Zone, Mapusa hereby extend the period of the liquidator of the Brahmani Sah. Samudayik Sheti Sanstha Ltd., Compordem Satari up to 9-8-1982.

D. V. Sathe, Asstt. Registrar of Coop. Societies, North Zone.

Mapusa, 29th June, 1982.

No. 1/22/70-Seva/SALVADOR/ARNZ/82

Read: This office order No. 1/70-Seva/Salvador/ARNZ/81 dated 16th July, 1981 taking the Salvador-do-Mundo Service Coop. Society Ltd., into liquidation and Shri P. R. Shetye, Jr. Inspector, Coop. Societies, Mapusa as the Liquidator.

Order

In partial modification of this office order referred to above, Shri D. Y. Gawas, Jr. Inspector, Coop. Societies, Mapusa, is hereby appointed as the Liquidator of Salvador-do-Mundo Service Coop. Society Ltd., Salvador-do-Mundo in place of Shri P. R. Shetye with effect from the date of taking over the charge of the society.

D. V. Sathe, Asstt. Registrar of Coop. Societies, North Zone.

Mapusa, 5th July, 1982.

No. ARCS/NZ/RES-(c)-12/Goa/LQD/82

Read: This office order No. ARCS/NZ/RES-(C)-12/Goa/LQD/79 dated 31st October, 1979 appointing Shri P. R. Shetye, Jr. Inspector, Coop. Societies, Mapusa as the Liquidator of Sapteshwar V.K.S.S. Society Ltd., Mandrem-Pernem in place of Shri D. M. Pathan.

Order

In partial modification of this office order cited above, Shri K. B. Desai, Jr. Inspector, Coop. Societies, Mapusa is hereby appointed as Liquidator of Sapteshwar V.K.S.S. Society Ltd., Mandrem-Pernem in place of Shri P. R. Shetye, with effect from the date of taking over the charge of the society.

D. V. Sathe, Asstt. Registrar of Coop. Societies, North Zone.

Mapusa, 5th July, 1982.

No. 1/8/69-LQD/Bhagwati-Seva/ARNZ/82

Read:—1. This office order No. RES-(C)-14/Goa/LQD/79 dated 7th July, 1979 appointing Shri P. R. Shetye, Jr. Inspector, Coop. Societies, Mapusa as the Liquidator of Bhagwati V.K.S.S. Society Ltd., Parcem-Pernem in place of Shri Y. S. Manerikar.

2. This office order No. 1/8/69-LQD/Bhagwati-Seva/ARNZ/82 dated 9-6-82 extending the period of the Liquidator of above society up to 12-4-1983.

Order

In partial modification of this office order referred to above at sr. No. 1, Shri K. B. Desai, Jr. Inspector, Coop. Societies, Mapusa is hereby appointed as the Liquidator of Bhagwati V.K.S.S. Society Ltd., Parcem-Pernem in place of Shri P. R. Shetye with effect from the date of taking over the charge of the society.

D. V. Sathe, Asstt. Registrar of Coop. Societies, North Zone.

Mapusa, 5th July, 1982.

No. 1/10/68-LQD/Bhagwati-Seva/ARNZ/82

Read:—1. This office order No. ARCS/NZ/RES-(2)-199/Goa/LQD/79 dated 9th July, 1979 appointing Shri P. R. Shetye, Jr. Inspector, Coop. Societies, Mapusa as the Liquidator of Bhagwati V.K.S.S. Society Ltd., Pernem in place of Shri R. V. Pai Khot.

2. This office order No. 1/10/68-LQD/Bhagwati-Seva/ARNZ/82 dated 9th June, 1982 extending the period of liquidator of aforesaid society up to 12-4-1983.

Order

In partial modification of this office order referred to above, at sr. No. 1, Shri K. B. Desai, Jr. Inspector, Coop. Societies, Mapusa hereby appointed as the liquidator of Bhagwati V.K.S.S. Society Ltd., Pernem in place of Shri P. R. Shetye with effect from the date of taking over the charge of the society.

D. V. Sathe, Asstt. Registrar of Coop. Societies, North Zone.

Mapusa, 5th July, 1982.

No. 1/46/80-SEVA/VEREM/ARNZ/82

Read: This office order No. 1/46/80-SEVA/VEREM/ARNZ/81 dated 22nd September, 1981 taking Samata V.K.S.S. Society Ltd., Verem-Bardez into liquidation and appointing Shri R. T. Verlekar, Bank Inspector as the liquidator.

Order

In partial modification of this office order cited above, Shri D. Y. Clawas, Jr. Inspector, Coop. Societies, Mapusa is hereby appointed as the liquidator of Samata V.K.S.S. Society Ltd., Verem-Bardez in place of Shri R. T. Verlekar with effect from the date of taking over the charge of the society.

D. V. Sathe, Asstt. Registrar of Coop. Societies, North Zone.

Mapusa, 12th July, 1982.

Revenue Department

Notification

No. 22/9/81-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For Improvement of Junctions at Sanvordem.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded

by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, P.W.D., Cell, Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Land Acquisition Officer, P.W.D., Cell, Panaji.
3. The Executive Engineer, Works Division VI, P.W.D., Fatorda, Margao.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, P.W.D. (CELL), Panaji, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Sanguem	Sanvordem	1	86/1(Part)	Vasam Sadashiv Sinai Sanvordenkar. North: Road to Dharbandora. South: Survey No. 86/5. East: Survey No. 86/1. West: Road.	300.00

1	2	3	4	5	6	7
Sanguem	Sanvordem	2	87/7(Part)	Bapto Hari Laad. North: Road. South: Survey No. 87/7. East: Road. West: Survey No. 87/6 & 7.		75.00
"	"	3	89/7(Part)	1. Kashinath Shivram Laad. 2. Sadanand Shivram Laad. 3. Narayan Laad. North: Road. South: Road. East: Road. West: Survey No. 89/7.		75.00
Total						450.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 4th August, 1982.

Notification

No. 22/76/82-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is needed for Company, Viz. for construction of approach road to the Urban Development Complex at Patto, Panaji.

And Whereas in the opinion of the Government the provisions of Sub-Section (1) of Section 17 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") are applicable.

Therefore the Government is pleased to notify under Section 4 of the said Act that the said land is needed for the purpose specified above.

The Government is pleased to direct under Sub-Section (4) of section 17 of the said Act that the provisions of Section 5A of the said Act shall not apply in respect of the said land.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any Surveyors or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector after the date of publication of this Notification will under clause (Seventh)

of Section 24 of the said Act, be disregarded by the Officer assessing compensation of such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be duly notified in the Official Gazette.

4. The Government is further pleased to appoint under Clause (c) of Section 3 of the said Act, the Deputy Collector, Goa Division, Panaji to perform the functions of a Collector under the said Act, in respect of the said land and direct him to submit his report under Rule 4 (1) of the Land Acquisition (Company) Rules, 1963.

5. The Government is also pleased to authorise under Sub-Section (2) of Section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Deputy Collector, Goa North Division, Panaji.
3. The Managing Director, Economic Development Corporation of Goa, Daman and Diu Ltd. Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the Office of the Deputy Collector (Land Acquisition Officer), Panaji from the date of this Notification.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	P.T.S. No.	Chalta No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Tiswadi	Panaji City	S. No. 2/Part PTS No. 27 S. No. 3 PTS No. 27	— 1/Part 2/Part 3/Part 4/Part 5/Part	Comunidade of Morombi-o-Pequeno. Comunidade of Morombi-o-Pequeno. T: Francisco Rodrigues. Comunidade of Morombi-o-Pequeno. T: 1. Manuel Sequeira. 2. Bernado Oliveira. Comunidade of Morombi-o-Pequeno. T: Fernandes. Comunidade of Morombi-o-Pequeno. T: Vicente Fernandes. Comunidade of Morombi-o-Pequeno. T: Custodio Fernandes.	5300.00 630.00 715.00 880.00 740.00 570.00

1	2	3	4	5	6	7
Tiswadi	Panaji City	S. No. 3 P.T.S. No. 27	6/Part 7/Part	Comunidade of Morombi-o-Pequeno. T: Maria Mercedes Joao. Comunidade of Morombi-o-Pequeno. T: Mr. Vaz.		510.00 105.00
<p><i>Boundaries:</i></p> <p>North: Chalta No. 1 (Land already acquired P.T.S. 57. for Bus stand) S. No. 2 P.T.S. No. 27. South: Survey No. 3/1,2,3,4,5,6,7 & of P.T.S. No. 27. S. No. (Land already acquired by EDC). P.T.S. No. 27. East: Road & S. No. 3/1,2,3 & P.T.S. No. 27. West: Survey No. 2 P.T.S. No. 27. (Land already acquired by EDC) & Chalta No. 11 P.T.S. No. 57.</p>						
Total						9450.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 3rd August, 1982.

Notification

No. 22/80/82-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For laying additional C. I. Gravity main from Curti to Banastari at Cuncolim.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, P.W.D. (Cell), Altinho, Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Land Acquisition Officer, P.W.D. (Cell), Altinho, Panaji.
3. The Executive Engineer, PHE-North, P.W.D., Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, P.W.D. (Cell), Altinho, Panaji, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Ponda	Cuncolim	—	42 (Part)	Comunidade. Pandurang Bhiku Pondekar.	100.00
				41/1 (Part)	Comunidade of Cuncoli-Priol.	320.00

1	2	3	4	5	6	7
Ponda	Cuncolim	—	43/2 (Part)	Devasthan Shantadurga.		910.00
			43/1 (Part)	Devasthan Mangesh.		150.00
			40 (Part)	Shripad Raguvir S. Kunkollikar. Balaji Raguvir S. Kunkollikar. Vasudev Raguvir S. Kunkollikar. Ramakant Raguvir S. Kunkollikar.		110.00
			39 (Part)	Ganapati Trimbak Bhinde. Sadanand Trimbak Bhinde. Shankar Trimbak Bhinde.		820.00
Boundaries:						
North: Village Cundaim & Survey No. 39.						
South: Village Priol, Road & Survey No. 39.						
East: Survey No. 42, Survey No. 41.						
Survey No. 43/2, 1, & Survey No. 40.						
West: Survey No. 41, Survey No. 43/2, 1 and road.						
Total						2410.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

L. J. Meneses Pais, Under Secretary (Revenue-I).

Panaji, 6th August, 1982.

Notification

No. 22/74/82-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For construction of Hassapur Bridge and approach road at Chandel, Pernem.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act, will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, P.W.D. (CELL), Altinho, Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land:

1. The Collector of Goa, Panaji.
2. The Land Acquisition Officer, P.W.D. (CELL), Altinho, Panaji.
3. The Executive Engineer, Works Division XIII, P.W.D., Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, P.W.D. (CELL), Altinho, Panaji, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Sub-Div.	No. Survey	No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7	
	Pernem	Chandel	17 (Part)	93	H: Ravi Shambu Tuenkar. T: Bhiva Shankar Shetkar.		611.00
					North: Sahadev Shankar Naik. South: Road. East: Yesso Nilu Gauns & others. West: Road.		
			1/Part	101	H: Lakshiman Bikhaji Gauns.		300.00
					North: Road. South: Malkumi. East: Atmaram Vishnu & others. West: Road.		

1	2	3	4	5	6	7
Pernem	Chandel	11/Part	94	H: Yesso Nilu Gauns. Rama Zilu Gauns. Devu K. Gauns. Shanshikent B. Gauns. North: Vithal N. Gauns. South: Juao Caitan Dias. East: Pedro Caitan D'Souza. West: Road.		781.00
		9/Part	94	H: Vithal Noru Gauns. North: Road. South: Yesso Nilu Gauns & others. East: Caitan D'Souza & others. West: Road.		234.00
		10/Part	94	H: Caitan D' Souza. Anthon Pedro D'Souza. Bastaun Pedro S'Souza. North: Bicaji V. Gauns. South: Yesso Nilu Gauns & others. East: Daflin Rodrigues & others. West: Vithal N. Gauns.		123.50
		8/Part	94	H: Bhikaji Vasu Gauns. North: Yeshwant Sakaram Gauns. South: Caitan D'Souza. East: Deflin Rodrigues & others. West: Road.		271.00
		5/Part	94	H: Zopherin Dias. North: Bablo Toli Pednekar. South: Bablo Keshav Gauns. East: Daflin Roerigues & others. West: Road.		41.25
		2/Part	94	H: Bablo Toli Pednekar. North: Bikaji Toli. South: Zepherin Dias. East: Ladu Gauns & others. West: Road.		613.40
		1/Part	94	H: Bicaji Toli. T: Zepherin Dias. North: Shivaji Govind P. P. Desai. South: Bablo Toli Pednekar. East: Sahadev Vishnu Bhaip. West: Road.		525.00
		15/Part	93	H: Bicaji Vasu Gauns. North: Shivaji Govind P. P. Desai. South: Road. East: Yeshwant Sakaram Gauns. West: Babli Krishna Gauns.		18.00
		16/Part	93	H: Shivaji Govind P. P. Desai. North: Shivaji G. P. P. Dessai. South: Road. East: Road. West: Bicaji Vasu Gauns.		191.25
		9/Part	92	H: Shivaji Govind P. P. Desai. T: Vicent Minguel D'Souza. North: Juao Caitan Dias & others. South: Yeshwant Sakaram Gauns. East: Road. West: Sahadev Shankar Naik.		150.00
		13 (Part)	93	H: Smt. Laxmi Gopal Gauns. T: Santan Dias. North: Ladu Soma Gauns & others. South: Shivaji Govind P. P. Desai. East: Road. West: Shivaji Govind P. P. Desai.		82.25
		19 (Part)	95	H: Shivaji Govind P. P. Desai. T: Babal B. Gauns. North: Namdeo Shankar Nerulkar. South: Bicaró Teli. East: Soma Sadu Gauns. West: Chandai Gaunkari.		240.00
		17 (Part)	95	H: Nandeo Shankar Nerulkar. North: Rama Sadu Gauns & others. South: Shivaji G. P. P. Desai. East: Rama S. Gauns. West: Road.		600.00

1	2	3	4	5	6	7
Pernem	Chandel	16 (Part)	95	H: Rama Sadu Gauns. Vithal Sada Gauns. Rajaram Sadu Gauns. North: Vithal N. Gauns. South: Namdeo S. Nerulkar. East: Bhiva K. Gauns & others. West: Road.	574.00	
		14 (Part)	95	H: Raghu Bhiva Gauns. Narayan Ladu Gauns. Ladu Shadu Gauns. Goapl Vishnu Gauns. North: Krishna D. Gauns. South: Rama S. Gauns & others. East: Raghu S. Gauns. West: Vithal Nanu Gauns.	546.75	
		13 (Part)	95	H: Vithal Nanu Gauns. North: Babli Krishna Gauns. South: Rama Sadu Gauns. East: Raghu S. Gauns. West: Bhicaji V. Gauns.	1443.25	
		10 (Part)	95	H: Babli Krishna Gauns. T: Vincent D'Souza. North: Nakul Vishnu Bhip. South: Vithal N. Gauns. East: Narayan L. Gauns. West: Bhicaji V. Gauns.	288.00	
		9/Part	95	H: Nakul V. Ehaip. North: River. South: Babli N. Gauns. East: Krishna Dulaji Gauns. West: Bhicaji V. Gauns.	519.75	
		9/Part	95	H: Krishna Dulaji Gauns. North: River. South: Bhiva K. Gauns. East: Bhicaji V. Gauns. West: Nakul V. Bahip.	99.00	
		22 (Part)	95	H: Narayan Ladu Gauns. Pandurang Jayram Gauns. Shankar Gauns. North: Nakul V. Bhaip. South: Raghu B. Gauns & others. East: Krishna D. Gauns. West: Babli Krishna Gauns.	302.50	
Pernem	Alorna	2/Part	372	H: Bhudu Ladu Malik. North: Ladu Bhudu Malik & others. South: River. East: Nagu A. Malik. West: Sahadev Vaman Malik & others.	368.00	
		9/Part	378	H: Ladu Bhudu Malik. Soma Ganu Malik. North: Shridevi Sateri Hassapur. South: Bhudu Ladu Malik. East: Nagu A. Malik. West: Sadu Vaman Malik & others.	17.00	
		8/Part	378	H: Babu Nana Malik. Suba Vaman Malik. Bhicaji Shamsundar Malik. Atmaram Shankar Malik. Babu Chandru Malik. Pandurang Rama Malik. Shiva Sakaram Malik. Narayan Navso Malik. Dattaram Vasu Malik. North: Shree Devi Sateri Hassapur. South: River. East: Ladu B. Malik. West: Shivram Devu Malik.	560.00	
		7/Part	378	H: Shivram Devu Malik. Pundalic Krishna Malik. Gajanan Bala Malik. Chandrakant Bala Malik. North: Shree Devi Sateri Hassapur. South: River Creek. East: Saba Vaman Malik. West:	1008.75	

1	2	3	4	5	6	7
	Pernem	Alorna	6/Part	378	H: Ladu Eknath Ganesh Malik. Vishwanath G. Malik. Eknath Ganesh Malik. Anant Ganesh Malik. North: Shree Devi Sateri Hassapur. South: River Creek. East: Shivram Devu Malik & others. West: Namdeo Narayan Malik & others.	779.50
			5/Part	378	H: Namdev Narayan Malik. Shantaram Gopal Malik. Harichandra Gopal Malik. North: Shri Devi Sateri Hassapur. East: River Creek. East: Ladu G. Malik & others. West: Shankaraji Y. Dessai.	359.00
			4/Part	378	H: Shankaraji Gaswantaji Dessai. T: Chandrakant Bhiva Malik. North: Shree Devi Sateri Hassapur. South: River Creek. East: Namdeo N. Malik & others. West: Ladu Ganesh Malik & others.	406.25
			3/Part	378	H: Ladu Ganesh Malik. Ganesh Sako Malik. North: Shree Devi Sateri Hassapur. South: River Creek. East: Shankaraji G. Desai & others. West: Government.	364.00
			2/Part	378	H: Government. T: Shivram Devu Malik. Laxman Devu Malik. Fondu Devu Malik. North: Shri Devi Sateri Hassapur. South: River Creek. East: Ladu Ganesh Malik. West: Shankaraji Jaswantaji Dessai and others.	341.25
			1/Part	378	H: Shankaraji G. Dessai. T: Zilu Ladu Malik. North: Shree Devi Sateri Hassapur. South: River Creek. East: Government land. West: Road.	250.00
Total						13,009.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue-I).

Panaji, 3rd August, 1982.

Notification

No. 22/52/81-RD

The Government Notification No. 22/52/81-RD dated 6-5-1981 regarding accommodation and shopping complex at Vasco-da-Gama admeasuring 1775.00 sq. mts. published in the Official Gazette No. 8 Series II dated 21-5-81, is hereby cancelled with immediate effect.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue I).

Panaji, 4th August, 1982.

Notification

No. RD/LQN/124/75

Whereas by Government Notification No. RD/LQN/124/75 dated 24-12-1976 published on page 317 & 318 of Series II, No. 40 of the Official Gazette dated 30-12-76 it was notified under Section 6 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the land specified in the schedule appended to the said notification (hereinafter referred to as the "said land") was needed for public purpose, viz. Implementation of Housing Scheme at Taleigao.

And whereas in the opinion of the appropriate Government (hereinafter referred to as the "Government") the said land is not required for the aforesaid purpose.

Now, therefore, the Government is pleased to declare under Sub-section (1) of section 48 of the said Act that it has withdrawn from acquisition the said land for the aforesaid public purpose and that the aforesaid Government notification shall be deemed to be cancelled so far as it relates to the said land. The persons interested in the said land, may lodge to the Deputy Collector, Goa North Division, Panaji within a period of thirty days from the date of this notification claims under Sub-section (2) of section 48 of the said Act, for the damages suffered by them in consequence of the notice or of any proceedings thereunder and for costs reasonably incurred by them in persecution of the proceedings under the said Act relating to the said land.

A plan of the land, shall be available for inspection in the office of the Deputy Collector, Goa North Division, Panaji for a period of thirty days from the date of this notification.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue I).

Panaji, 22nd July, 1982.

Public Health Department

Order

No. 5/42/82-PHD

On the recommendations of the Local Selection Committee, Dr. Anil Kumar Modi, is hereby appointed on ad-hoc basis to the post of Lecturer in Microbiology in the pay scale of Rs. 1100-50-1500-EB-60-1800 in the Goa Medical College with effect from the date of take over, until further orders, on the terms and conditions mentioned in the Memorandum of even number dated 17th June, 1982.

The above appointment will not bestow on the person a claim for regular appointment and the service rendered on ad-hoc basis in the grade would not count for the purpose of seniority in that grade and for eligibility for promotion to the next higher grade.

Dr. Modi has already been declared fit by the Medical Board, Panaji.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 29th July, 1982.

Order

No. 5/2/82-PHD

On the recommendations of the Local Departmental Promotion Committee, the Government is pleased to order the promotion of Dr. C. P. Kapoor, Assistant Professor of Medicine to the post of Associate Professor of Medicine, purely on ad-hoc basis, in the Goa Medical College, with immediate effect, until further orders, in the pay-scale of Rs. 1100-50-1500-EB-60-1800.

The above appointment will not bestow on the person a claim for regular appointment and the service rendered on ad-hoc basis in the grade would not count for the purpose of seniority in the grade for eligibility for promotion to the next higher grade.

Dr. Kapoor shall be entitled for special pay of Rs. 200/- attached to the post of Associate Professor of Medicine.

The above appointment to the post of Associate Professor of Medicine is made against a post created vide Government Order No. 1-16-80/PHD(1) dated 13th May, 1982.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 30th July, 1982.

Order

No. 5-25-82/PHD

On the recommendations of the Local Selection Committee, Dr. (Mrs.) Maria S. Sequeira, is hereby appointed on ad-hoc basis to the post of Lecturer in Pathology, in the pay-scale of Rs. 1100-50-1500-EB-60-1800 in the Goa Medical College, Panaji with immediate effect, until further orders, on the terms and conditions mentioned in the Memorandum No. PHD/2309/82 dated 20th July, 1982.

The above appointment will not bestow on the person a claim for regular appointment and the service rendered on ad-hoc basis in the grade would not count for the purpose of seniority in that grade and for eligibility for promotion to the next higher grade.

Dr. (Mrs.) Sequeira has already been declared fit by the Medical Board, Panaji.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 5th August, 1982.

Industries and Labour Department

Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sachale, Under Secretary (Industries and Labour).

Panaji, 19th July, 1982.

IN THE LABOUR COURT, GOA, DAMAN AND DIU,
PANAJI - GOA

(Before Dr. Renato de Noronha, Presiding Officer)

Application No. LCC/22/79

1. Shri Filomeno Raikar — Applicant
V/s.

1. St. Joseph Carpentry Workshop — Opponent

Panaji. Dated: 7-7-1982.

Applicant represented by Shri Dionisio Fernandes, Union Leader.

Opponent represented by Adv. R. Lotlikar.

AWARD

This is an application filed under Section 33C(2) of the I.D.A., 1947, hereinafter called the Act, read with Rule 62(2) of the Industrial Dispute (Central) Rules 1957, by the above applicant against the above opponent, claiming from the latter a total amount of Rs. 1,520/-, as per the details given in the annexure.

2. It is applicant's case that, while he was working in the carpentry of the opponent, he was retrenched, alongwith other 7 workers, by letter dated 17-2-1979, without any notice. He was not paid retrenchment compensation, as required by Section 25F of the Act. The total service put in by him is 6 years and the last salary drawn on January, 1979, is Rs. 130/-. However, in view of the notification regarding minimum wages the rate of wages from 1-2-79 should be Rs. 234/- per month.

3. The Opponent, in its written statement, has raised a preliminary objection regarding the lack of jurisdiction of this court to entertain and try this application and, on merits, has contended that the applicant was informed well in advance that his services would stand terminated on 17-2-1979 and that he should collect all his dues on that date. The applicant, however, did not collect his dues.

4. The following issues were framed by Dr. Coelho, my Learned Predecessor:

- "1. Does the Opponent prove that this Court has no jurisdiction to entertain and decide this Application?
2. Does the Opponent prove that the Applicant was informed well in advance that his services would stand terminated from 17-2-79 and that he should collect all his dues by that date?
3. Does the Opponent prove that they are not liable to pay to the Applicant Gratuity, Bonus, etc.?
4. Does the Applicant prove that he is entitled to receive the following amounts:

1. Retrenchment Compensation Rs. 702-00
2. Gratuity Rs. 702-00
3. Gratuity under sub-sec. (2) of Sec. 39 of G.D.&D. Shops & Est. Act, 1973 (maximum 2 months) Rs. 468-00
4. Wages for March 1979 Rs. 234-00
5. Leave Wages (32 days) Rs. 252-00
6. Bonus for 1978-79 @ 8.33 Rs. 130-00"

5. On the above issues, evidence was led by both the parties. The applicant got himself examined and produced some exhibits. The Opponent also gave his statement and produced exhibits.

6. Arguments were heard and now the matter is before me for delivering the Award.

I shall consider first the issue of lack of jurisdiction raised by the opponent:

I should say that the opponent did not try to show how this Court lacks jurisdiction to entertain this application. The only point that he has clarified in his written arguments is that this court would lack jurisdiction to entertain the applicants claim for gratuity since under the Payment of Gratuity Act, which is a self contained code, the applicant has to file his claim, if any, before the authorities prescribed in the said Act, following the procedure provided therein. He has relied on the Supreme Court Ruling in the case of State of Punjab V/s. Labour Court, Jullunder and other in 1980 I Supreme Court Cases page 4.

I fully endorse the opponent's contention in this regard, in view of the Supreme Court Ruling quoted above, wherein it was held that a claim for gratuity cannot be made Under Section 33C(2) of the Act, but the applicant has to make it under the provisions of the Payment of Gratuity Act and before the authorities mentioned therein. Hence, except for the claim for gratuity for which this court has no jurisdiction, the other claims of the applicant can be dealt with by this court and there is nothing to bar the jurisdiction of this Court to entertain them.

7. Considering now the other issues:

The Opponent has filed the receipt issued by the applicant on 3-3-79 (Exh. M-1) for the amount of Rs. 968-50 "towards full and final settlement of all his dues" and, on the basis of this receipt, contended that the applicant is now estopped from claiming any additional amounts from the opponent. This receipt, however, has been issued by the applicant under protest, as it is clearly mentioned therein and, therefore, the applicant is not prevented from claiming from the opponent whatever dues still exist, according to him.

8. The applicant has produced his appointment letter (Exh. W-1) which shows that he was appointed on 10-6-73. He has stated that, at the time of termination of services, he was drawing Rs. 130/- per month, which fact is admitted by the opponent in their written arguments. He was admittedly retrenched from services by the opponent in the month of February 1979 and, therefore, he is entitled to retrenchment compensation under Section 25F of the Act. He has further stated that, under Notification of Minimum Wages No. 1/227/73-LAB/Part II published in the Official Gazette, Series I dated 8-2-1979, he is entitled to Rs. 234/- per month from 1st February, 1979. Hence, his retrenchment Compensation at the rate of 15 days average wages for each year of service during 6 years works out to Rs. 390/- (130X3).

Regarding Notice Pay, he is also entitled to it since the opponent did not act on the basis of the previous notices of retrenchment (Exh. W-2 and W-3) issued by them and the applicant continued to work even after such notices. The Notice Pay will be at the rate of Rs. 234/- as prescribed by the Notification for Wages corresponding to the salary for the month of March, 1979, i.e. Rs. 234/-.

9. Regarding Leave Wages, he has produced his leave card, but it does not show clearly what is the leave the applicant has at his credit and, therefore, I cannot grant this prayer.

10. Finally, regarding bonus for the year 1978-79, since it is proved from the employment register that the employer had till February, 1979 more than 10 workers in their workshop the applicant is entitled to bonus at the rate of 8.33 percent which works out to Rs. 62/-.

11. The above figures show that the applicant is entitled to claim from the opponent the total amount of Rs. 686/- but since he has been already paid Rs. 968/-, he has no further claim against the opponent.

12. In view of all that has been stated above, I pass the following Order:

ORDER

This application is dismissed. In the circumstances of the case, I leave each party to bear its own Costs.

Dr. Renato de Noronha
Presiding Officer,
Labour Court.

Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 12th July, 1982.

IN THE LABOUR COURT GOA, DAMAN AND DIU,
PANAJI GOA.

(Before Dr. Renato de Noronha, Presiding Officer)

Application No. LCC/20/79

1. Shri Jose Colaco — Applicant
V/s.
1. M/s. St. Joseph Carpentry — Opponent.
Applicant represented by Shri Dionisio Fernandes, Union Leader.
Opponent represented by Adv. R. Lotlikar.

Panaji, Dated: 30-6-1982

AWARD

This is an application filed under Section 33C(2) of the I.D.A., 1947, hereinafter called the Act, read with Rule 62(2) of the Industrial Dispute (Central) Rules 1957, by the above applicant against the above opponent claiming from the latter a total amount of Rs. 1,119/60, as per the details given in the annexure.

2. It is applicant's case that, while he was working in the carpentry of the opponent, he was retrenched, alongwith other 8 workers, by letter dated 17-2-79, without any notice. He was not paid retrenchment compensation, as required by Section 25F of the Act. The total service put in by him is 2 years and the last salary drawn on January, 1979 is Rs. 78/-. However, in view of the notification regarding minimum wages, the rate of wages from 1-2-79 should be Rs. 130/- per month.

3. The Opponent, in its written statement, has raised a preliminary objection regarding the lack of jurisdiction of this court to entertain and try this application and, on merits, has contended that the applicant was informed well in advance that his services would stand terminated on 17-2-1979 and that he should collect all his dues on that date. The applicant, however, did not collect the dues. The applicant is not entitled to the amount claimed; he was working as a part time helper and so the opponent is not bound to pay him gratuity, bonus, etc., as claimed by him.

4. The following issues were framed by Dr. Coelho, my Learned Predecessor:

- "1. Does the Opponent prove that this Court has no jurisdiction to entertain and decide this Application?
2. Does the Opponent prove that the Applicant was informed well in advance that his services would stand terminated from 17-2-79 and that he should collect all his dues by that date?
3. Does the Opponent prove that they are not liable to pay to the Applicant Gratuity, Bonus, etc.?
4. Does the Applicant prove that he is entitled to receive the following amounts:
 1. Retrenchment Compensation Rs. 130/-
 2. Gratuity Rs. 130/-
 3. Gratuity under Sub-Section (2) of Sec. 39 of G.D.D. Shops & Establishment Act, 1973 (maximum 2 months Wages) Rs. 260/-
 4. Leave Wages (30 days) Rs. 130/-
 5. February Wages Rs. 130/-
 6. January (unpaid) Rs. 130/-
 7. Bonus for 1978-79 @ 8.33 per cent, Rs. 171-60
 8. Notice Pay Rs. 130/-."

5. On these issues, evidence was led by both the parties, which consists of the statements of the parties themselves and of the exhibits produced.

6. The applicant, in his statement before the court, has stated that he worked for the opponent from 11-6-77 till 17-2-79; he was not given any notice of termination of services, nor paid his legal dues; he was given a leave card, but it was taken back by the Opponent and, when asked to return, he refused. He has produced his letter of appointment, (Exh. W-1). In all, there were 15 employees. The opponent undertook to pay his legal dues before the Labour Commissioner, but failed to effect the payment. In his cross, he has denied that he is entitled to Rs. 75/- only and that the opponent were ready to pay him before the Labour Commissioner Rs. 100/-, which the applicant refused to accept.

7. The Opponent, in his statement before the Court, has stated that the applicant was a student and admitted by the Opponent in his Carpentry as an apprentice; he used to attend his school in the morning period and the Carpentry work shop, in the evening. Whenever there were holidays in the school, he used to work full day; the opponent had 5 regular workmen in his establishment and, whenever there was extra work, he used to engage workers on temporary basis; the applicant was paid Rs. 1.25 for 1/2 day and Rs. 2.50 for full day; as there was not sufficient work, he had to terminate the services of various workmen; retrenchment notices were sent in advance, but they could not be implemented because the opponent did not have sufficient funds to pay to the workmen; ultimately, by notice dated 14-2-79, the services of the applicant were terminated and he was informed to collect his arrears on 17-2-79; he has produced the copy of the notice dated 14-2-79 (Exh. O-1). Before the Labour Commissioner he agreed to pay to the applicant Rs. 75/- in full and final settlement of his dues, but the applicant and the Asstt. Labour Commissioner suggested a higher amount; the opponent agreed to pay Rs. 100/-, but the applicant refused to accept it.

In his cross, he has admitted that the Register of Employment shows 14 employees as on 1-1-79, but stated that these employees were admitted by him due to extra work. He has admitted that the appointment letter of the applicant shows that the applicant's wages were Rs. 78/- per month or Rs. 3/- per day. The Notice Exh. O-1 was displayed on the Notice Board. Although he had called the workers to collect their dues on 17th, he could not pay them.

8. I shall deal first with the preliminary issue of lack of jurisdiction:

I should say that the opponent did not try to show how this Court lacks jurisdiction to entertain this application. The only point that he has clarified in his written arguments is that this court would lack jurisdiction to entertain the applicants claim for gratuity since under the Payment of Gratuity Act, which is a self contained code, the applicant had to file his claim, if any, before the authorities prescribed in the said Act, following the procedure provided therein. He has relied on the Supreme Court Ruling in the case of State of Punjab V/s. Labour Court, Jullunder and others in 1980 I Supreme Court Cases page 4.

I fully endorse the opponent's contention in this regard, in view of the Supreme Court Ruling quoted above, wherein it was held that a claim for gratuity cannot be made Under Section 33C(2) of the Act, but the applicant has to make it under the provisions of the Payment of Gratuity Act and before the authorities mentioned therein. Hence, except for the claim for gratuity for which this court has no jurisdiction, the other claims of the applicant can be dealt with by this court and there is nothing to bar the jurisdiction of this court to entertain them.

9. Coming now to the other issues:

The appointment letter Exh. W-1 shows that the applicant was appointed as helper on 11-6-77 with a monthly salary of Rs. 78/- or Rs. 3/- per day. According to the applicant, his services were terminated on 17-2-1979, whilst, according to the opponent, they were terminated on 14-2-1979. However, from the notice Exh. O-1 it is clear that the applicant and the others mentioned in the notice were to be retrenched only on 17-2-1979. Hence, it can be safely admitted that the applicant worked for the opponent till 17th February.

10. Although, according to the opponent, notices were issued by him regarding the retrenchment of his employees and, admittedly, the opponent did not act on the basis of the said notices, we have to conclude that the only notice on the basis of which the applicant was retrenched is the one marked as Exh. O-1, dated 14-2-79. It is an admitted fact that the applicant was not paid any amounts at the time of his retrenchment on 17-2-79.

11. The Opponent, in its written arguments filed, has contended that the applicant, as per the Attendance Register and Wage Register produced, was working as a part time apprentice and, therefore, the provisions of the I.D.A. are not applicable to him under Section 18 of the Apprentices Act 1961. This contention however, cannot be upheld, because it is not proved by the opponent that he has executed an apprenticeship contract with the applicant; that such contract have been registered before the authority prescribed by the apprentice Act and that he has complied with the other provisions of this Act.

12. Let us see now what is the compensation the applicant is entitled to, due to his retrenchment:

The applicant has claimed from February 1979, as his minimum salary, Rs. 130/- per month under the notification No. 1/227/73-LAB/Part II published in the Official Gazette, Series I, dated 8-2-1979.

Since the salary of the applicant, as per the said Notification, is Rs. 130/- per month or Rs. 5/- per day from 1st February, 1979 and since he has worked for 1 year and 8 months, i.e. 2 years for the purpose of Section 25F(b) of the Act, his compensation will be as follows:

15 days wages of the average pay for the 1st year at the rate of Rs. 78/- per month, Rs. 39/-.

15 days wages of the average pay for the 2nd year ($78 \times 7 + 130 = 85$), Rs. 42.50.

Total retrenchment compensation will be Rs. 81.50 Notice Pay of one month under Section 25F(a), Rs. 130/- Wages of 17 days of February at the rate of Rs. 5/- per day, Rs. 85/-.

13. Regarding January Wages, there is nothing to show that any part of the said wages is due to the applicant. Similarly, regarding leave wages, the applicant has not proved that he has at his credit any leave. Hence, these requests cannot be granted.

14. Finally, regarding bonus, since it is proved that till February, 1979, the opponent had more than 10 workers in his Company, he has to pay to the applicant bonus for 1978-79 at the rate of 8.33 per cent, which works out in Rs. 86/-.

15. In view of the above, I pass the following Order. The Opponent is directed to pay to the applicant retrenchment compensation of Rs. 81.50, Notice Pay, Rs. 130/-, 17 days wages for February, 1979, at the rate of Rs. 5/- per day, Rs. 85/-, and bonus for the year 1978-79, Rs. 86/-, plus Costs of Rs. 100/-.

Dr. Renato de Noronha
Presiding Officer,
Labour Court.